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8           UNITED STATES DISTRICT COURT  
9           WESTERN DISTRICT OF WASHINGTON  
10           AT TACOMA

11 In the Matter of the Complaint of Kerry W.  
12 Shea and Jennifer R. Shea, Individually and as a  
13 Marital Community, as owners of the M/V  
14 SATISFACTION, Hull Identification No.  
15 26B05413, for Exoneration from or Limitation  
16 of Liability

17 Case No. CV5-5633FDB

18 ORDER DENYING MOTION FOR  
19 MONITION PENDING DEPOSIT OF  
20 SECURITY

21       Before the Court is the Plaintiff's complaint for exoneration from or limitation of liability  
22 pursuant to the provisions of the Limited Liability Act, 46 U.S.C.App. § 183, *et seq.*, and motion for  
23 monition, requesting the Court to order publication of notice of this action pursuant to Supplemental  
24 Admiralty Rule F(4). The Court, having reviewed the Plaintiffs' complaint and motion, finds that the  
25 motion should be denied pending compliance with the security requirements of Rule F(1).

26       Plaintiffs claim that the post-accident fair market value of their vessel is zero and thus, they  
27 are relieved of the security requirements of Rule F(1), except to the extent the Court requires posting  
28 of security for costs. The Court does not agree. Rule (F)(1) states that "the owner shall deposit . . .  
29 a sum equal to the amount or value of the owner's interest in the vessel . . . ". Where the vessel has  
30 no real market value, as Plaintiffs allege in this case, other methods of arriving at value must be used.  
31 *See, e.g.,* 80 C.J.S. SHIPPING § 479 (cost of reproduction at date of valuation may ordinarily be

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36 ORDER - 1

1 considered).

2 ACCORDINGLY,

3 IT IS ORDERED:

4 (1) Plaintiffs' motion for monition (Dkt.# 2) is **DENIED** pending deposit with the Court  
5 of a sum equal to the amount or value of the owner's interest in the vessel, or  
6 approved security therefor; security for costs in the amount of \$500.00; and, for  
7 interest at the rate of six (6) percent per annum from the date of the security.

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9 DATED this 7th day of October, 2005.

10   
11 FRANKLIN D. BURGESS  
12 UNITED STATES DISTRICT JUDGE

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